

**SUBCHAPTER A : CERTIFICATION OF PERSON TO INSTALL, EXCHANGE, SERVICE,
OR REPAIR RESIDENTIAL WATER TREATMENT FACILITIES**
§§290.20 - 290.6

§290.20. General Provisions.

Texas Civil Statutes, Article 6243-101 as amended by Senate Bill 147 of the 65th Legislature, 1977, provides for the certification of persons as being qualified for the installation, exchange, servicing, and repair of residential water treatment facilities as defined by subsection (g), §2. Standards of qualifications are to be set to insure the public health and to protect the public from unqualified persons engaging in activities relating to water treatment.

§290.21. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

Certificate-A document issued by the department signifying that an eligible person has met the requirements set forth in these rules and regulations. The certificate shall have the original signature or a printed signature of the commissioner and the deputy commissioner for environmental and consumer health protection of the Texas Department of Health.

Commissioner of Health-The commissioner of health, Texas Department of Health, or his duly authorized representative.

Department-The Texas Department of Health.

Director of health resources-The commissioner of health, Texas Department of Health, or his duly-authorized representative.

Eligible person-One who has known qualifications to install, exchange, service, and repair residential treatment facilities by meeting standards of education, training, and experience set by the department.

§290.22. Types of Certificates.

(a) The types of certificates to be issued by the department shall be as follows:

- (1) class 1-residential water treatment facility operator;
- (2) class 2-residential water treatment facility operator;
- (3) class 3-residential water treatment facility operator;

(b) Certificate description.

(1) Class 1. This certificate is valid for two years and is renewable. Persons issued this certificate must work under the supervision of a person holding a higher class certificate, the local

plumbing inspector, or a health official having jurisdiction where the work is performed. Class 1 work is restricted to the performance of the following activities:

(A) exchange and regeneration of portable tanks;

(B) regeneration of nonportable tanks;

(C) other tasks which may be assigned by the supervisor and for which direct supervision is provided.

(2) Class 2. This certificate is valid for three years and is renewable. Persons issued this certificate will have demonstrated a practical working knowledge of the mechanics and servicing principles of water conditioners, and are deemed able to perform water treatment installations, exchanges, services, or repairs of equipment as set forth by state law. Holders of this class certificate are considered to be aware of the public health requirements connected with their activities. Work on reverse osmosis and deionization equipment is specifically excluded unless performed under the supervision of a person holding a higher class certificate.

(3) Class 3. This certificate is valid for five years and is renewable. Persons issued this certificate meet minimum standards of qualifications established for the installation, exchange, servicing, and repair of residential water treatment facilities.

§290.23. Qualification Requirements.

(a) Requirements.

(1) Experience, education, and training requirements are as follows:

<i>Certificate</i>	<i>Minimum Working Experience</i>	<i>Education</i>	<i>Approved Training</i>	<i>Validity Period</i>
Class 1	none	less than high school	none	2 years
Class 2	if 3 years	less than high school	basic course	3 years
	if 2 years	high school or GED	basic course	3 years
	if 1 year	1 year college	basic course	3 years
Class 3	if 3 years	high school or GED	basic and intermediate courses	5 years
	if 2 years	2 years college	basic and intermediate courses	5 years
	if 1 year	college degree	basic and intermediate courses	5 years

(2) Substitution of acceptable experience for educational and training requirements will be considered by the department for entry levels of classification. In addition to experience and education, each applicant must pass an examination designed and administered by the department in order to receive a certificate.

(b) Approved training. Credit hours of training toward certification are earned for satisfactory completion of department approved courses. Such courses must be relevant to public health and water hygiene. The number of hours of training necessary to qualify for the various class levels of certification will be determined by the department.

(c) Examinations.

(1) All examinations will be administered by the department and will cover fundamental knowledge on the requirements for a residential water treatment facility; residential water supply; interpretation of bacteriological and chemical analysis; sanitary protection of residential water supply; distribution system sanitation; procedures involved in installation, exchange, repair, and service of treatment facilities; and similar health-related matters. Applicants for certificates will be tested on standards of qualifications set by the department in order to insure the public health and to protect the public from unqualified persons engaging in activities relating to water treatment as provided for in the law.

(2) An eligible person may apply for examinations in any one of three different levels, ranging from Class 1 through Class 3, with the third level being the highest or most advanced. Class 1 has been established as an entry level and is intended to simplify entry of new personnel into the certification program or for those persons needing certificates at the basic level only. Class 2 level has been established to test installers, repairmen and servicemen primarily who do not work on reverse osmosis and deionization equipment without assistance. Class 3 levels are usually for persons in responsible charge of operation, supervision, or management.

(3) The Class 3 examinations are of difficult nature, involving design as well as water chemistry, bacteriology, and physics. The applicant will need to be prepared to perform fairly difficult computations in the science of water control.

(4) The passing score for the examination for each class of certificate shall be 70 percent.

(5) Any applicant who fails to pass an examination may repeat the same examination after a period of 180 days following the date of the previous examination.

(6) Following the failure of an examination, an applicant's application shall be held by the department for a maximum of nine months, pending the applicant's repeating the examination. If the examination is not repeated within these nine months, the applicant shall submit another application with the appropriate fee. This shall not apply to Class 3 unless deemed otherwise by the department.

§290.24. Applying for Certificates.

(a) Applications. An application should be made on a standard application form furnished by the department. As much information as possible should be given, using supplementary sheets if necessary to give all the details required to show need, education, experience, and training so grade level qualifications of applicant can be determined. The application should be signed, dated, and sent to the Texas Department of Health, Division of Water Hygiene, 1100 West 49th Street, Austin, Texas 78756.

(b) Renewal of certificates.

(1) Certificates issued by the department may be renewed by obtaining the following amounts of approved training credit while the certification is valid:

Certificate Training credit class

- | | |
|---|---|
| 1 | One basic course in water conditioning |
| 2 | One intermediate course in water conditioning |
| 3 | Two courses in water conditioning |

(2) Courses taken prior to the issuance of a certificate may not be counted toward the renewal of that certificate; however, all courses taken may be used in upgrading certificates.

§290.25. Revocation of Certificates.

(a) The certificate of an operator shall be revoked if:

(1) The certificate was issued in error;

(2) The operator obtained the certificate through fraud, deceit, or through the submission of incorrect data on his/her qualifications; or

(3) The operator practiced fraud and deceit, or failed to use reasonable care, judgment, or application of his/her knowledge in the performance of his/her duties.

(b) When the department has reason to believe that charges against a certified operator may be valid, the department shall notify the operator by personal service or certified mail at his last known address:

(1) of the charges made against him/her;

(2) that it intends to conduct an examination of the charges; and

(3) that the operator has an opportunity to refute and prove the charges invalid.

(c) After the department's examination of the charges and the operator's rebuttal, if the department still has reason to believe there is cause for revocation, the department shall initiate a formal hearing in accordance with §§1.21-1.32 of this title (relating to Formal Hearing Procedures).

§290.26. Fees.

An amendment to the Plumbing License Law, Texas Civil Statutes, Article 6243-101, by the 69th Legislature, May 1985, requires the payment of an annual \$10.00 fee before a certificate of competency can be issued or renewed. Fees for certification shall be established as follows:

(1) Application Fees.

(A) Class 1 certificate-\$20;

(B) Class 2 certificate-\$30;

(C) Class 3 certificate-\$50.

(2) Renewal Fees.

(A) Class 1 certificate-\$20;

(B) Class 2 certificate-\$30;

(C) Class 3 certificate-\$50.

(3) Certificates that have not been renewed within 30 days of the expiration date with the appropriate fee will be considered invalid. A new certificate shall be obtained by submitting a new application with the appropriate fee and receiving a passing score on the examination.

(4) Fees shall be paid by personal check, cashier's check, or money order. Cash cannot be accepted for payment of fees.

(5) An applicant or holder of a certificate shall pay all required fees before taking the examination or receiving a certificate of competency.

(6) All fees shall be made payable to TDH-OCP (Texas Department of Health-Operator Certification Program) and are not refundable.

(7) If an applicant does not submit the appropriate payment with the new or renewal application, the certificate shall not be issued.